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16 **UNITED STATES DISTRICT COURT**
17
18 **NORTHERN DISTRICT OF CALIFORNIA**
19 **SAN FRANCISCO DIVISION**

20 RICHARD KADREY, *et al.*,
21 Individual and Representative Plaintiffs,
22 v.
23 META PLATFORMS, INC., a Delaware
corporation;
24 Defendant.

Case No. 3:23-cv-03417-VC-TSH

**UNOPPOSED ADMINISTRATIVE MOTION TO
FILE UNDER SEAL JOINT DISCOVERY
LETTER BRIEF AND EXHIBITS**

Pursuant to Civil Local Rule 79-5(c) and 79-5(d), Defendant Meta Platforms, Inc. (“Meta”) moves this Court for an Order allowing Meta to file under seal confidential, unredacted versions of certain documents relating to the Parties’ Joint Letter Brief on Outstanding Issues Concerning Depositions (“Joint Letter Brief”). Meta respectfully submits that good cause exists for the filing of these documents under seal. The motion is based on the following Memorandum of Points and Authorities and the Declaration of Michelle Woodhouse in support of this Unopposed Administrative Motion to File Under Seal.

The following chart lists the documents for which Meta requests sealing – in whole or in part – in order to protect Meta’s confidential business information.

Document	Sealing Request
Joint Discovery Letter Brief	<ul style="list-style-type: none"> Redacted portions
Exhibit A to Joint Discovery Letter Brief	<ul style="list-style-type: none"> Entire document
Exhibit B to Joint Discovery Letter Brief	<ul style="list-style-type: none"> Entire document
Exhibit C to Joint Discovery Letter Brief	<ul style="list-style-type: none"> Entire document
Exhibit D to Joint Discovery Letter Brief	<ul style="list-style-type: none"> Entire document
Exhibit F to Joint Discovery Letter Brief	<ul style="list-style-type: none"> Entire document
Exhibit V to Joint Discovery Letter Brief	<ul style="list-style-type: none"> Entire document
Exhibit Y to Joint Discovery Letter Brief	<ul style="list-style-type: none"> Entire document
Exhibit Z to Joint Discovery Letter Brief	<ul style="list-style-type: none"> Entire document
Exhibit AA to Joint Discovery Letter Brief	<ul style="list-style-type: none"> Entire document
Exhibit BB to Joint Discovery Letter Brief	<ul style="list-style-type: none"> Entire document
Exhibit CC to Joint Discovery Letter Brief	<ul style="list-style-type: none"> Entire document

A [Proposed] Order is filed concurrently herewith, and Meta refers the Court to the Joint Letter itself and the supporting evidence attached thereto as further support for this Unopposed Administrative Motion.

I. LEGAL ARGUMENT

Though the presumption of public access to judicial proceedings and records is strong, it

1 “is not absolute.” *Nixon v. Warner Commc’ns. Inc.*, 435 U.S. 589, 598 (1978). The Ninth Circuit
 2 treats documents “attached to dispositive motions differently from records [*i.e.*, documents]
 3 attached to non-dispositive motions.” *Kamakana v. City & Cty. of Honolulu*, 447 F.3d 1172, 1180
 4 (9th Cir. 2006); *Ctr. for Auto Safety v. Chrysler Grp.*, 809 F.3d 1092, 1098 (9th Cir. 2016). For
 5 non-dispositive motions, such as the Parties’ Joint Letter Brief, the “good cause” standard applies.
 6 *OpenTV v. Apple*, No. 14-cv-01622-HSG, 2015 WL 5714851, at *2 (N.D. Cal. Sept. 17, 2015);
 7 *Kamakana*, 447 F.3d at 1180 (“A ‘good cause’ showing will suffice to seal documents produced in
 8 discovery.”). The Federal Rules afford district courts “flexibility in balancing and protecting the
 9 interests of private parties.” *Kamakana*, 447 F.3d at 1180; *DSS Tech. Mgmt. v. Apple*, No. 14-cv-
 10 05330-HSG, 2020 WL 210318, at *8 (N.D. Cal. Jan. 14, 2020), *aff’d*, 845 F. App’x 963
 11 (Fed. Cir. 2021) (finding good cause to seal “confidential business and proprietary information”).

12 The portions of the Joint Letter Brief and Exhibits A–D, F, V, and Y-CC, attached thereto,
 13 contain Meta’s confidential information, for which Meta requests sealing. Exhibits A–D, F, V, and
 14 Y-BB are internal Meta documents and communications concerning matters including high-level
 15 long term product strategy at the senior executive level, plans for potential licensing transactions,
 16 internal communications and marketing plans including internal goals, and detailed technical
 17 discussion concerning Meta’s AI development. Exhibit CC is a letter from Plaintiffs’ counsel to
 18 Meta regarding Meta’s privilege log, which contains significant discussion and descriptions of
 19 Meta’s highly confidential internal communications. Meta must request sealing of these materials,
 20 as this information is highly confidential, and Meta takes steps to carefully protect the
 21 confidentiality of information of this sort as disclosure has the potential to cause significant
 22 competitive injury to Meta. *See, e.g., Krieger v. Atheros Commc’ns, Inc.*, No. 11-CV-640-LHK,
 23 2011 WL 2550831, at *1 (N.D. Cal. Jun. 25, 2011) (finding information regarding party’s “long-
 24 term financial projections, discussions of business strategy, and competitive analyses” sealable);
 25 *Space Data Corp. v. Alphabet Inc.*, No. 16-CV-03260-BLF, 2019 WL 285799, at *1 (N.D. Cal.
 26 Jan. 22, 2019) (finding information regarding party’s confidential and proprietary technical
 27 information, and sensitive financial information sealable). The portions of the Joint Letter Brief
 28 that Meta seeks to redact quote from or describe the contents of Exhibits Exhibits A–D, F, and Y.

1 These sealing requests are critical to protect Meta’s confidential sensitive technical and competitive
2 information.

3 The specific basis for sealing these materials is outlined in the accompanying declaration
4 of Meta’s Associate General Counsel, Michelle Woodhouse. As outlined in Ms. Woodhouse’s
5 declaration, disclosure of the protected information contained in the materials Meta seeks to seal
6 would cause competitive harm to Meta if this information is publicly disclosed. Meta’s sealing
7 requests and proposed redactions are narrowly tailored to include only that information which
8 would cause specific, articulable harm, as identified in Ms. Woodhouse’s declaration. In each
9 instance, the harm to Meta outweighs the public’s interest in disclosure. *See, e.g., In re iPhone*
10 *App. Litig.*, No. 11-md-02250-LHK, 2013 WL 12335013, at *2 (N.D. Cal. Nov. 25, 2013) (granting
11 motion to seal where the defendant’s interest in “maintaining the confidentiality of information
12 about its technology and internal business operations” outweighed that of the public in accessing
13 such documents).

14 **II. CONCLUSION**

15 Pursuant to Civil Local Rule 79-5, as appropriate, redacted and unredacted versions of the
16 above-listed documents accompany this Unopposed Administrative Motion. For the foregoing
17 reasons, Meta respectfully requests that the Court grant their Joint Administrative Motion to Seal.

1 Dated: October 31, 2024

COOLEY LLP

2
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1 **CERTIFICATE OF CONFERENCE**

2 I hereby attest that I spoke with counsel for Plaintiffs, who confirmed they do not oppose
3 the relief sought in this motion. I declare under penalty of perjury that the foregoing is true and
4 correct.

5 Dated: October 31, 2024

6 COOLEY LLP

7 /s/Phillip E. Morton
8 Phillip E. Morton
9 *Attorneys for Defendant*
Meta Platforms, Inc.